

REMARKS/ARGUMENTS

This paper is filed in response to the office action mailed February 9, 2006. In the office action claims 2-4 and 7-10 were allowed. Claims 5-6 were rejected under 35 U.S.C. §102(e) over Tsai, et al. (United States Patent No. 6,524,167) and Asano, et al. (United States Patent No. 6,679,929).

By this paper claim 5 has been amended. Claim 25 has been newly added. Claim 25 recites that the acid or alkali contained in the third polishing composition is nitric acid or lactic acid. Support for claim 25 can be found at page 20, lines 3-4 of the specification as filed. Claims 1 and 11-24 have previously been cancelled. Accordingly claims 2-10 and 25 are presented for reconsideration and allowance by the Examiner.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP §2131 (*quoting Verdegaal Bros. v. Union Oil of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the . . . claim.” *Id. (quoting Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ2d 1671, 1673 (Fed. Cir. 1994). In addition, “the reference must be enabling and describe the applicant’s claimed invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention.” *In re Paulsen*, 30 F.3d 1475, 1479, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

By this paper Claim 5 has been amended to exclude phosphoric acid, acetic acid, citric acid, tartaric acid, potassium hydroxide and sodium hydroxide as acid or alkali. Accordingly, claim 5 recites that the third polishing composition includes acid or alkali, wherein the acid includes at least one acid selected from the group consisting of nitric acid, hydrochloric acid, lactic acid, sulfuric acid, malonic acid, succinic acid, maleic acid, and fumaric acid, and wherein the alkali includes ammonium hydroxide. In contrast, Tsai et al. (US 6,524,167) and Asano et al. (US 6,679,929) do not disclose or suggest the features recited in claim 5. Therefore, claim 5 and claim 6, which depend from claim 5, are not anticipated.

In view of the forgoing, Applicant respectfully submits that all of the pending claims are in condition for allowance. The Examiner is respectfully requested to promptly issue a Notice of

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Allowance. If there are any remaining issues that require clarification, the Examiner is respectfully requested to contact the undersigned.

Respectfully submitted,


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